1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

684 836 happens that a man impregnates an unmarried girl and he is then expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh-wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 627 It is alleged that, in the old days, if a man died of magic his kinsmen would try to slay the magician (*gwan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*peth*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 627 Many disputes arise about bride-wealth: the husband's people do not pay what they have promised or there is a divorce and the

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835 602 121 The role of kinship values in Nuer society cannot be understood

unless the range of prohibited degrees in marriage is taken into account. For this reason, and also because it would seem the logical order of treating the various topics relating to marriage, I discuss marriage prohibitions and incest before describing in Chapter III the steps by which marriage is brought about—courtship, ceremonies, payment of bridewealth, birth of a firstborn, and the observance of formal rules of behaviour between affinal relatives—and the various forms of marriage and concubinage found among the Nuer.

I discuss in the two final chapters some features of the family, the group brought into existence by marriage, and kinship, the system of categories of relationship which derives from the family. I have not been able to treat these two topics as exhaustively as their importance demands. A second year among the Nuer would have been necessary to cover them satisfactorily.

I have given in *The Nuer* a full bibliography up to the year 1939. Since then various articles have been published by others* and by myself,† and a dictionary of the Nuer language has appeared.‡

I make acknowledgement for the use I have made of my own articles to the Editors of *Sudan Notes and Records, Uganda Journal, Africa, African Studies, Zeitschrift für Vergleichende Rechtswissenschaft, Social Structure, African Systems of Kinship and Marriage,* and *Man,* and to the Director of the Rhodes–Livingstone Institute. Much detail omitted in this book is recorded in these articles.

113

* A. H. Alban, 'Gwek's Pipe and Pyramid', *S.N. & R.*, 1940; P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', ibid. 1939; P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', ibid. 1945; 'On the Value of Iron among the Nuer', *Man*, 1947; (with B. A. Lewis) 'Nuer Ghouls: a Form of Witchcraft', *S.N. & R.*, 1947; 'The Age-Set System and the Institution of "*Nak*" among the Nuer', ibid. 1948; F. D. Kingdon, 'The Western Nuer Patrol 1927–8', ibid. 1945.

† 'The Nuer of the Southern Sudan', *African Political Systems*, 1940; 'Nuer Bridewealth', *Africa*, 1946; 'Bridewealth among the Nuer', *African Studies*, 1947; 'Nuer Marriage Ceremonies', *Africa*, 1947; 'A Note on Courtship among the Nuer', *S.N. & R.*, 1947; 'A Note on Affinity Relationships among the Nuer', *Man*, 1948; 'Nuer Modes of Address', *Uganda Journal*, 1948; 'The Nuer *Col Wic*', *Man*, 1949; 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949; 'Nuer Rules of Exogamy and Incest', *Social Structure*, 1949; 'Two Nuer Ritual Concepts', *Man*, 1949; 'Nuer Totemism', *Annali Lateranensi*, 1949; 'Nuer Curses and Ghostly Vengeance', *Africa*, 1949; 'The Nuer Family', *S.N. & R.*, 1950.

‡ Father J. Kiggen, *Nuer–English Dictionary*, 1948 (based on the manuscripts of Father J. P. Crazzolara).

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 684 753 The word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 614 Clan exogamy is stated by Nuer in terms of clan symbols. Each clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

584 kinship there may be held still to be between the partners to the union. This is done because it is feared that otherwise the marriage may not be fruitful.

In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same local community.

Exceptions to the general principles governing marriage prohibitions do not invalidate them, for the rules are acknowledged even in the breach of them. Thus I have known of a peculiar marriage into the clan in which, on the day of the wedding, tribute was paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.*

The prohibitions of marriage I have related apply also to concubinary unions. The *concubinus* and *concubina* ought not to be related in any of the ways I have mentioned, though here there seems to be greater laxity than in matrimonial unions. Concubinage is entered into on the initiative of the partners to the union and without the public discussion matrimony entails, so that distant, but nevertheless valid, kinship may escape notice. My reason for believing that this is so is that I came across several cases where the death of the children born in concubinage led to a fuller investigation which revealed relationship, of which the partners were ignorant, and consequently to the dissolution of their partnership.

II

835 It is not incestuous for a man to have relations with daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also

* The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his pater's sister's son, a man of the Gaatgankir clan. The wife's pater was a woman of the Gaatnaca clan (of a different lineage). She had married a wife to raise up children to herself by an unrelated man. The marriage could not have taken place had the wife's pater been a man. As it was, it was subjected to criticism. The reader will understand these peculiar circumstances better after he has read Chapter III.

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835

forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules, I will mention the other relationships which carry the incest taboo besides those, already recorded, which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with wives of any close living kinsmen, except, as is explained later, wives of some paternal kinsmen. The worst incest of this kind is with wives of the father, uterine brother, son, and maternal uncle. It is considered almost as bad as relations with the sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be shocking because the father has relations with her and afterwards with the mother carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins which are spoken of without opprobrium. The worst that is said about congress with wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kwol*, a wild yellow tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family form a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kwi man*, on the mother's side, and the thought of relations with his wife evokes the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes, in a lesser degree, of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *'Tut thilke rual'*, 'There is no incest among bulls'. If they live in different

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835 villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated with the respect due to the father. To have relations with his wife is not incestuous but shows lack of deference. Relations with the wives of paternal half-brothers and paternal cousins are not subject to the same restraint. It is not *rual* to have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian spirit of the age-set will punish the offender.

It is forbidden on incestuous grounds to have relations with wives of kinsmen, other than those mentioned, only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the places of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother. Rarely a son takes her, and occasionally a sister's son. If a man thus cohabits with his father's, brother's, or maternal uncle's widow he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer say: 'He divides them with a sheep.' 'The father (or brother, or maternal uncle) is removed', as they say, not so much, if at all, because there would be any danger of *rual*, but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife which might injure her or her children. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *rual* is more pronounced.

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *rual*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

There are, as we have seen, a very large number of relationships which carry the incest taboo and it is not surprising that there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with embarrassment. Parents teach sons at an early age the rules of sex: to avoid the wives of others and women who are kin. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nei ti gwagh*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives of other men, for fornication with an unrelated girl is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

MARRIAGE PROHIBITIONS AND INCEST

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter is also terrible. I have heard of one case of each. Incest with the paternal half-sister, whether daughter of pater or genitor, is bad but, so Nuer told me, occasionally occurs. Incest with cousins is not so bad and with paternal cousins not uncommon, 'for one man knows kinship and another man does not know kinship, that is a man whose heart was made differently'. Generally speaking, the farther the man and woman are from one another genealogically the less seriously incest between them is regarded, especially if they live in different districts, and the taboo is less stringent and has a narrower range for natural kinsmen than for legal kinsmen. I was told, for instance, that a man might make love to the daughter of a natural son of his maternal grandfather (*nya nar laka*). Incest with kinswomen on the paternal side is not thought so bad as incest with kinswomen on the maternal side. It is worse with the uterine sister than with the paternal half-sister, and it is worse with a mother's brother's daughter than with a father's brother's daughter, and with a mother's sister's daughter than with a father's sister's daughter. In all categories of incest it is considered much worse with a near kinswoman than a distant one. Relations with distant clanswomen and cognates are of frequent occurrence. They are with persons who are on the frontiers of prohibition and carry no moral stigma or much fear of consequences. Nuer, in the usual idiom of their culture, often condemn incest with kinsfolk by reference to bridewealth: 'Would you have relations with the daughter of your father's sister? Do you not receive cattle on her marriage?' Condemnation in such terms would not be applicable to distant kinsfolk.

Incest with wives of kinsmen also occurs, though I have little means of judging its frequency. I recorded two cases of incest with wives of maternal uncles. In the one the offender died of *rual*, while in the other the uncle, who was a rich man with several wives, sacrificed an ox and afterwards relinquished the wife in

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835 favour of his sister's son: 'It was like making a gift to his sister's son.' I have also recorded cases of incest with another wife of the sister's husband. These cases come to light because the man or woman falls violently sick and to avoid death confesses what he or she has done and asks for an animal to be sacrificed in atonement. Intimacy with wives of paternal cousins and of other clansmen is undoubtedly common. As with incest with kinswomen, incest with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it, I was told: 'It may be all right, she is only his wife's *nyagwanlen* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyagwan* (paternal half-sister) nothing might happen, though the relations would without doubt be *rual*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

Incest with the wife of a kinsman is also, of course, adultery, but if it is with the wife of a close kinsman who does not in this context count as a 'bull' the response is likely to emphasize the incest rather than the adultery. The husband, although he is the innocent party, may suffer harm, and if the incest comes to light he is anxious rather to have a sacrifice performed than to exact compensation. However, relations with wives of kinsmen seem generally to be with the wives of 'bulls', a man's paternal kin, who live in his village, and, as I have explained, they are not regarded as incestuous—neither are cattle demanded in compensation. Apart from the fact that their wives are all wives of the lineage, it is not thought proper that cattle should go from one kraal to another in payment for adultery among people who herd their cattle together and assist one another in debts. Thus, if a man commits adultery with his father's brother's wife he is not likely to be asked to pay more than 'the cow of the hide'. This animal, which is paid in addition to any cattle which may be paid in compensation for the wrong in any case of adultery, whether with the wife of a kinsman

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835 or with the wife of a stranger, is for sacrifice to prevent injury to the husband. It is not regarded as compensation for infringement of his rights.

More distant kinsmen are likely to insist on compensation. Relations with their wives are not thought to entail serious consequences on account of their incestuous nature, and there is less reason for the husband viewing the adultery with tolerance. Sometimes a kinsman accepts smaller compensation than an unrelated man would do. For example, in a case which came to my notice, a man had relations with the wife of the son of his maternal uncle's mother's sister. He paid three head of cattle in compensation, instead of the six head which might have been demanded, and he provided a goat for sacrifice. In all such cases, however, the outcome depends on the personal relations between the men concerned, and this generally means whether they are neighbours.

To avoid the consequences of incest Nuer make sacrifices, and the weight they attach to the breach of the taboo may be estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage-tree. When a fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while an infusion of the contents of the right half, 'the good half', is drunk by the partners to the sin. They may get a magician to make the sacrifice for them or they may make it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair was sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what Nuer regard as really bad incest, *wal ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

performed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then. 835

The presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *rual*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she (the wife) has no child, so it is not *rual*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat gwan*, father's son, to Bul, whose marriage, which had in any case not escaped critical comment, might then have entailed risks. In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls, but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

III

I now make some general observations on Nuer exogamous and other marriage prohibitions and incest, or about the Nuer concept of *rual*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *rual*, incestuous. Speaking sociologically, I think we may reverse this statement and

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835 say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of the marriage prohibitions to marry them. I would hold that the incest taboo can only be understood by reference to the marriage prohibitions, and that these prohibitions must be viewed in the light of their function in the Nuer kinship system and in their whole social structure.

It is evident that the incest prohibition is derived from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster-father's brother, and between a man and the daughter of one of his age-mates. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I suggest that its range of extension may be related to the marriage prohibitions of their society for which it provides a moral norm, a reason, and a sanction.

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *rual* and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans, and that the Nuer themselves recognize that the limits of exogamy are fixed arbitrarily. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex-relations, which is secondary and, I would hold, derivative. That it is the table of prohibited degrees and not the incest taboo which is basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.

It is also true that Nuer call *rual* relations with women married

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835

to kinsmen. These women cannot be counted as possible mates to whom any marriage prohibitions could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest taboo not so much as wives of kinsmen but rather as mothers of kinsmen.

In view of the importance attached to children by Nuer in determining what is incest, or the degree of it, it may readily be understood why sexual relations with the wives of half-brothers, paternal uncles, and patrilineal cousins of every degree are regarded as being either incestuous peccadillos or not incestuous at all. The wife of a 'bull' is, in a general social sense, the wife of all the 'bulls', of the paternal kin, and of the lineage. She is 'our wife' and 'the wife of our cattle'. Likewise her children are the children of the lineage, of the agnatic group, and of its cattle. Hence sexual relations with wives of these agnates, if not approved, are condoned, for they are the wives of all. Hence, also, whereas relations with, for example, the wife of the maternal uncle means relations with the *cek nara*, the maternal uncle's wife, and the mother of *gat nara*, the maternal uncle's child, relations with the wife of the father's brother's son are with '*cekdan*', 'our wife', and the mother of '*gatdan*', 'our child'. The presence of a child does not alter the status of the persons concerned in the second case as it does in the first, for the wife is the wife of the lineage and the child is the child of the adulterer. When a man dies, therefore, there is no question of the widow being remarried to one of his brothers, for the brothers already count as her husbands. The dead man's lineage have a right to inherit his wife because she is their wife, the wife of their cattle.

I think that we should try to interpret in much the same way the feeling that it is wrong for two kinsmen to court the same girl, unless they are members of the same lineage. Paternal kin can share the same girl because they have a lineage identity, whereas the courting of the same girl by, for example, a man and his maternal aunt's son makes for confusion within the kinship system. The position of the uterine brother is peculiar because full

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

835 brothers are not just 'bulls' to one another, members of the same lineage. They are maternal kinsmen as well as paternal kinsmen, and in their case sexual relations with each other's sweethearts seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the marriage prohibitions indicate kinship status and are one of the most effective means of doing this and thereby maintaining the kinship system, which is based on the distinctions between the various categories of relationships. They prevent confusion between one relationship and another and the contradictions such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this chapter, of Nuer themselves, who see that it is undesirable to obliterate or obscure the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; and were a man to marry the daughter of an age-mate, his age-mate would also be his father-in-law.

621 613 The bearing these regulations have on the kinship system will be seen in later chapters. I discussed their bearing on political structure and their relation to the lineage system in a few pages (pp. 225–8) in *The Nuer*. The argument there presented may be restated in a few sentences. Nuer political structure is a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is thus conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time must be identified with the local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that cor-

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument.

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *patpat*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it.

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

NUER RULES OF EXOGAMY AND INCEST[1]

835 753 864 THE Nuer word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin (*dwer*) but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

RULES OF EXOGAMY

582 When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say *Cike diel*, 'They have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been arbitrarily fixed and are not unalterable.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kath*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv (1935), 7).

[p. 85]

paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.[1]

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INCEST

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It is not incestuous for a man to have relations with the daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules I will mention the other relationships which carry the incest taboo besides those already recorded which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with the wives of any close living kinsmen, except, as is explained later, the wives of some patrilineal kinsmen. The worst incest of this kind is with the wives of the father (even if he is a ghost-father), uterine brother, son, and maternal uncle. It is considered almost as bad as relations with a sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be unusually shocking because the father has relations with her and afterwards with the mother, carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with the wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with the wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins, which are spoken of without opprobrium. The worst that is said about congress with the wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be

[1] The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his *pater*'s sister's son, a man of the Gaatgankir clan. The wife's *pater* was a woman of the Gaatnaca clan (of a different lineage). She had married a 'wife' to raise up children to herself by an unrelated man. In spite of there being no consanguinity between husband and wife the marriage could not have taken place had the wife's *pater* been a man. As it was, it was subjected to criticism.

835 avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kwol*, a wild, yellow, tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family forms a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kwi man*, on the mother's side, and relations with his wife reflect the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes in a lesser degree of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *Tut thilke rual*, 'There is no incest among bulls.' If they live in different villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated on the pattern of the father. To have relations with his wife is not incestuous, but shows lack of respect. Relations with the wives of paternal half-brothers and paternal cousins are not subject to the same restraint. It is not *rual* to have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian-spirit of the age-set will punish the offender.

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835 587 It is forbidden on incestuous grounds to have relations with the wives of kinsmen, other than those mentioned, but only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the place of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother, for preference with his uterine brother. Sometimes the son takes her and occasionally the sister's son. If a man thus cohabits with his father's, uterine brother's, or maternal uncle's widow, he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer says: 'He

divides them with a sheep.' The widow and the man who is taking his kinsman's place squat inside a hut and the *gwan buthni* of the dead husband's (in the case of the maternal uncle's widow, of the maternal uncle's) lineage, the man who performs sacrifices for the lineage, squats outside. They hold between them a sheep stretched across the threshold and it is there cut in twain. The top half is eaten by the kinsmen of the man who is taking the widow, though he does not himself partake of its flesh, and the bottom half by the women of the household. The hide on which the widow and her dead husband slept is also cut in half and the skin of the sacrificed sheep may be sewn to another to provide a new sleeping-hide. 'The father (or brother, or maternal uncle) is removed', as the Nuer say, not so much, if at all, because there would be any danger of *rual* but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife, which might injure her or her children. A twin may not take his brother's widow, for twins are one person. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *rual* is more pronounced.

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *rual*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths, who make love to maidens very freely, are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who form the same *dep*, dancing-line, which means kinsmen who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if

835 they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

835 There are, as we have seen, a very large number of relation-
864 ships which carry the incest taboo and it is not surprising that there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with shame or embarrassment. Parents teach their sons at an early age the rules of sex: to avoid the wives of others and those who *teke mar*, have kinship. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nei ti gwa*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives to other men, for fornication with an unrelated girl, a *nya Nath*, as they say, is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the exogamous permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter are also terrible. I have heard of one case of each.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

Incest with the paternal half-sister, whether daughter of *pater* or *genitor*, is bad but, so Nuer told me, occasionally occurs. Incest with cousins is not so bad and with paternal cousins not uncommon, 'For one man knows kinship and another man does not know kinship, that is a man whose heart was made differently.' Generally speaking, the farther the man and woman are from one another genealogically the less seriously incest between them is regarded, especially if they live in different districts, and the taboo is less stringent and has a narrower range for natural kinsmen than for social kinsmen. I was told, for instance, that a man might make love to the daughter of the natural son of his maternal grandfather (*nya nar laka*). Incest with kinswomen on the paternal side is not thought so bad as incest with kinswomen on the maternal side. It is worse with the uterine sister than with the paternal half-sister and it is worse with a mother's brother's daughter than with a father's brother's daughter and with a mother's sister's daughter than with a father's sister's daughter. In all categories of incest it is considered much worse with a near kinswoman than a distant one and with a kinswoman in the restricted than in the classificatory sense. Relations with distant clanswomen and cognates are of frequent occurrence. They are with persons who are on the frontiers of exogamy and carry no moral stigma or much fear of consequences. Nuer, in the usual idiom of their culture, often condemn incest with kinsfolk by reference to bridewealth: 'Would you have relations with the daughter of your father's sister? Do you not receive cattle on her marriage?' 'What! Do you not want the cattle of your daughter's marriage and would you not die of *rual*?' And so forth. Incest with the wives of kinsmen also occurs, though I have little means of judging its frequency. I recorded two cases of incest with wives of maternal uncles. In the one the offender died of *rual* while in the other the uncle, who was a rich man with several wives, sacrificed an ox and afterwards relinquished the wife in favour of his sister's son: 'It was like making a gift to his sister's son.' I have also recorded cases of incest with another wife of the sister's husband. These cases come to light because the man or woman falls violently sick and to avoid death confesses what he or she has done and asks for an animal to be sacrificed in atonement. Incest with wives of paternal cousins and of other clansmen is undoubtedly common. As with incest with kinswomen, incest

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835 with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it I was told, 'It may be all right, she is only his wife's *nyagwanlen* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyagwan* (paternal half-sister) nothing might happen, though the relations would without doubt be *rual*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

835 783 789 To avoid the consequences of incest Nuer make sacrifices, and the weight they attach to the breach of the taboo may be estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage tree. When a yellow fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while the contents of the right half, 'the good half', are drunk by the partners to the sin as an infusion. They may get a magician to do this for them or they may do it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair were sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what the Nuer regard as really bad incest, *wal ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be per-

formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then.

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *rual* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *rual* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bak*) to make them innocuous.

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *rual*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *rual*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat gwan*, father's son, to Bul, whose marriage, which had in any case not escaped

835 684 critical comment, might then have entailed risks. Even then Bul might have taken the risks, claiming that the child was *dieth laka*, born in concubinage, and therefore not a true brother if his *genitor* did not pay a fee to legitimatize him: 'Their spears [spear-names] are different: it is not real kinship.' In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

SOME OBSERVATIONS

835 582 I now make some general observations, within the scope of this essay, on Nuer exogamy and incest, or about the Nuer concept of *rual*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *rual*, incestuous. Speaking sociologically, I think we may reverse this statement and say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of exogamy to marry them. I would hold that the incest taboo can only be understood in the light of the rules of exogamy and that these rules are to be explained by their function in the Nuer kinship system and in their whole social structure.

835 It is evident that the incest prohibition is not derived from notions of consanguinity only, or even to any extent, but from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster father's brother, between a man and the daughter of one of his age-mates, and, necessarily, between a ghost-son and the women of his clan. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I contend that it is to be regarded primarily

as a way of providing a moral norm, a reason, and a sanction for the exogamous regulations of their society and is therefore a product of their social structure.

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *rual*, and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans and that the Nuer themselves recognize that the limits of exogamy are arbitrarily fixed. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law among the Nuer, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex relations, which is secondary and, I would hold, derivative. That it is the rules of exogamy and not the rules of incest which are basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.[1]

It is true also that Nuer call *rual* relations with women already married to kinsmen, and because they are married to kinsmen, and that they cannot be counted as possible mates to whom any rule of exogamy could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest

[1] Although Nuer declare 'You cannot make love to the daughter of an age-mate because you call her *nyadi* ("my daughter")', the prohibition is not emphasized, since there would be little chance of a man obtaining the favour of a girl so much younger than himself in any other way than by marrying her with cattle, which is forbidden.

●835 taboo not so much as wives of kinsmen but rather as mothers of kinsmen. 'It is like this. The girl is married with cattle. You get your wife and her father gets your cattle. The girl is now your kinswoman and not kin to her father's people.' Nuer say that your wife becomes your *gwan buthni*, which means that she can perform ritual on behalf of your lineage. One man described her position thus: 'Now she [your wife] is like your mother; she cooks for you and milks the cows and performs the other services which your mother once performed for your household. She is a real kinswoman. She is like your mother. She has been exchanged for cattle and brought to agnatic kinship with another household (*caa nang buthni gol dodien*).'

In view of the importance attached to children by Nuer in determining what is incest, or the degree of it, it may readily be understood why sexual relations with the wives of half-brothers, paternal uncles, and patrilineal cousins of every kind are regarded as being either incestuous peccadillos or not incestuous at all. The wife of a 'bull' is, in a general social sense, the wife of all the 'bulls', of the joint family and of the lineage. She is 'our wife' and 'the wife of our cattle'. Likewise her children are the children of the lineage, of the agnatic group and of its cattle. Hence sexual relations with the wives of these agnates, if not approved, are condoned, for they are the wives of all. Hence also, whereas relations with, for example, the wife of the maternal uncle means relations with the *cek nara*, the maternal uncle's wife, and the mother of *gat nara*, the maternal uncle's child, relations with the wife of the father's brother's son are with *cekdan*, our wife, and the mother of *gatdan*, our child. The presence of a child does not alter the status of the persons concerned in the second case as it does in the first, for the wife is the wife of the lineage and the child is the child of the adulterer. When a man dies, therefore, there is no question of the widow being remarried to one of his brothers, for the brothers already count as her husbands. The dead man's lineage have a right to inherit his wife because she is their wife, the wife of their cattle.

I think that we should try to interpret in much the same way the feeling that it is wrong for two kinsmen to court the same girl, unless they are members of the same lineage. Patrilineal kin can share the same girl because they have a lineage identity, whereas the courting of the same girl by a man and his maternal

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

aunt's son makes for confusion within the kinship system, which is a system of personal relations of a different kind to lineage relations. Two sisters are potentially members of different lineages, those of their future husbands, which they join and to which they bear children. The position of the uterine brother is peculiar, because full brothers are not just 'bulls' to one another, members of the same lineage: they are maternal kinsmen as well as paternal kinsmen, and sexual relations with each other's wives seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the rules of exogamy, by differentiating between persons in Nuer society, indicate kinship status and are one of the most effective means of doing this and thereby of maintaining the kinship system, which is based on the distinctions between the various categories of relationships. The rules of exogamy prevent confusion between one relationship and another and the contradiction such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this essay, of Nuer themselves, who see that it is undesirable to obliterate or confuse the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; were a man to marry the daughter of an age-mate his age-mate would also be his father-in-law. But if the wife has died childless marriage with her sister is permitted because the relationship of a man to his child's mother's sister is no longer at issue, and if one of two age-mates is dead the son of one may marry the daughter of the other because the fathers can no longer be brought into a relationship of affinity. This explanation of exogamous rules holds not only for the Nuer but, as Professor Radcliffe-Brown has taught for very many years, for all societies.

The consistency between the Nuer rules of exogamy and the payment of bridewealth and its distribution, the ritual of marriage, and the laws of marriage and descent cannot be discussed here. I can only say that the payment, the ritual, and the laws could hardly exist in the form in which they do exist were it not for the coexistence of the rules of exogamy I have recorded in this essay.

recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. The Nuer political structure was treated in that book as a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225–8.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

562-584

dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they please with lovers of their own choice and without either the sanction of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

836 588

Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

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An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*raal*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

(*nueer*), sometimes resulting in death, falls equally on both parties and even upon their relatives. There are therefore strong social and ritual sanctions. For the purposes of this Manual I shall do no more than summarize the laws of exogamy, and refer the reader to published literature on the subject.

Nuer clans and lineages are exogamous. The patrilineal descendants of a common ancestor may not intermarry. The laws of exogamy extend farther than this and include persons who are closely related by marriage; persons related by blood but not legal kinship; and, finally, persons standing in a particular social relationship to each other. The prohibited degrees of relationship and other circumstances may be summarized as follows:

(i) A man may not marry or have sexual intercourse with a clanswoman, and therefore with a woman of his lineage. The limits of clan exogamy are not, however, so rigid as to be unalterable. If the ancestral link is remote (beyond ten generations or so) the prohibition may be ignored or effectively removed by appropriate sacrifice and prescribed ritual.

(ii) A man may not marry or have sexual intercourse with a woman who is a clanswoman of his mother. This prohibition is not, however, carried back beyond six or seven generations.

(iii) As we have seen, a Nuer may be the legal son of one man and the physiological son of another. The prohibited degrees recorded above would apply to the Nuer through his legal father, but the relationship of the *genitor* to his natural child has a degree of social recognition, and it is also not permissible to marry a close kinswoman of the *genitor*. The extent of this prohibition is not as wide as that created by legal kinship.

(iv) Adoption, especially of Dinka children, is a common occurrence[1] among the Nuer, and the links created between father and adopted child receive social recognition and ultimately legal recognition amounting to true kinship.[2] A man would not be allowed to marry or have sexual intercourse with a kinswoman of his adopted father, though in the initial stages this prohibition would be less extensive. In the next generation it would probably be identical, for a man who is fully adopted into a Nuer lineage assumes all the characteristics of that lineage, and in the future his origin may be forgotten. Similarly, an adopted girl would not marry into the lineage of her adoption, and would be bound by the same prohibitions. The reason here is clearer. Members of the lineage of her adoption would be the recipients of her bridewealth cattle and could not also be her relatives-in-law.

[1] Obviously more common in the past.

[2] See also under Homicide, Chapter II, p. 56. The distinction between *jaang dhor* and *jaang cieng* is relevant.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*nueer*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

still be overcome by suitable sacrifice, but the implications are clearly more serious.[1]

Incestuous intercourse may sometimes be relevant to disputes which arise in the courts. Examples of this will be seen later.[2] I do not propose to digress further on the subject of exogamy and incest, because the laws of exogamy are not in themselves a subject for dispute. There is now adequate published literature on the subject,[3] of which I have no criticisms to make and little except detailed information to add.

4. THE SOCIAL AND RITUAL PROCESSES OF MARRIAGE

The transfer of cattle as bridewealth does not in itself constitute marriage, although it is certainly the most significant aspect of marriage from the legal point of view. Nuer marriage is a protracted affair involving many negotiations and ceremonial meetings. Those social and ritual processes which are described here apply to the simplest form of legal marriage and the simplest situation therein possible. The same principles are involved in 'ghost-marriage', that is marriage by a living person on behalf of a dead relative, but in leviratic marriage and in what Professor Evans-Pritchard has classed as 'widow-concubinage' there is naturally no repetition of the ceremonies which were carried out by the widow's husband in his lifetime and naturally, too, no further payment of bridewealth. In other forms of union, which are not legal unions, no ceremonies similar to those of true marriage are possible.

The description which follows is applicable to a normal Nuer youth[4] who wishes to marry a normal Nuer girl and has sufficient cattle to do so, and in such cases, unless the union is prearranged by the parents, the youth has probably met his future bride at the dances

[1] Among some African tribes children born in incest would be destroyed. It is reported of the eastern Dinka that children born in such circumstances are sold to the Murle. There is, however, no published evidence to substantiate this statement. The idea of infanticide, except perhaps in the case of deformities, is, so far as I know, alien to Nuer ideas.

[2] See p. 164.

[3] Evans-Pritchard, *The Nuer*, Oxford, 1940, pp. 6, 17, 192, 202, 225–8, 235, 257; in *Social Structure: Essays presented to A. R. Radcliffe-Brown*, Oxford, 1949. Further information will be found in various articles by the same author: 'Nuer bridewealth', *Africa*, XVI, 4, 1946; 'Nuer Marriage Ceremonies', ibid., XVIII, 1, 1948; 'Some aspects of Marriage and the family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945; and more recently in *Kinship and Marriage among the Nuer*, Oxford, 1951.

[4] Certain categories of persons who are considered abnormal, by reason of circumstances in their birth, have extra ritual to perform. Thus twins have to undergo special ceremonies; see Evans-Pritchard, 'Customs relating to Twins among the Nilotic Nuer', *Uganda Journal*, Vol. III, 3, 1935. Also a person whose father has been struck by lightning and killed.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

586

Kec Kwoyok v. *Weir Lam* (*Leik Nuer Case*)

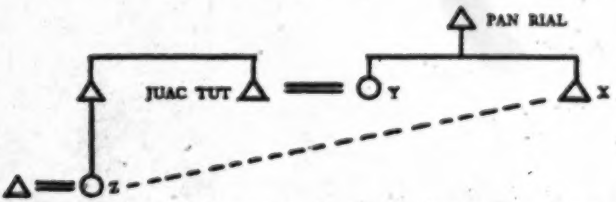
Kec married Weir's sister. During the five years of their marriage she bore only one child, and Kec demanded a divorce. This was refused by the Leik court, but allowed two years later by the appeal court. In this case all cattle were returned to Kec with the exception of sufficient to retain legitimate parenthood of the child.

Kelwal Tutrol v. *Kong Kepkeap* (*Bul Nuer Case*)

Kelwal married Kong's daughter. There were no children of the union, and Kong demanded a divorce for his daughter on the grounds that Kelwal was impotent. Kelwal appealed to the court against this demand, but judgement was given against him.

This case is simple enough, but illustrates clearly that impotence or sterility on the part of the husband is equally a ground for divorce. It also shows that Nuer are interested in the children of their daughters, although they will belong legally to another lineage.

Juac Tut v. *Pan Rial* (*Leik Nuer Case*)



Juac Tut married Pan Rial's daughter Y. X, Y's brother, committed adultery with Z, Juac's brother's daughter. Juac then demanded a divorce from Y on the grounds that the act was virtually incestuous. On the first hearing the court refused the divorce, but on appeal all bridewealth cattle were returned to Juac.

Breaches of this sort of conventional behaviour and normal obligations between relatives-in-law are often compounded by payment of gifts and, in the case of incest, by ritual expiation.

Impediments to Marriage Discovered Subsequently

Two other exceptional circumstances which sometimes result in divorce must be mentioned.

Incest

586
582
835

At any stage of the marriage it may be discovered that the union is incestuous (*rual*), in which case, unless the consanguinity is extremely remote, the marriage must be instantly dissolved. Such an occurrence must be rare[1] among the Nuer, for we have already seen how

[1] Within my own personal experience in Nuerland, I have only known of one case in which a marriage had to be dissolved owing to kinship between husband and wife. At the same time such cases are unlikely to appear before the courts or be the subject

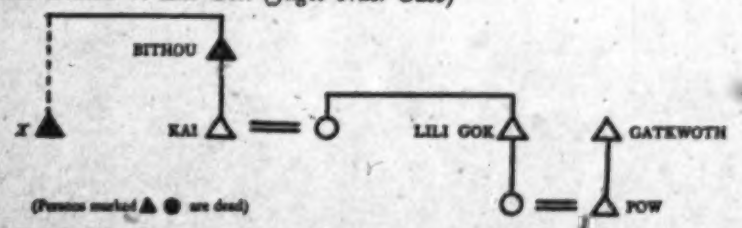
8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clanswomen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

Blood-Feuds

There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *teke riem kamdien*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unsettled feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriage. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

Kai Bithou v. *Lili Gok* (*Jagei Nuer Case*)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak mara*).

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

husband's heirs may draw attention to their rights in the woman and, if she has relations with a man who is objectionable to them, they may treat the case as one of normal adultery and claim damages. Such cases are nowadays usually taken to court, and the line adopted by its members will again depend on circumstances. They will, however, admit the validity of the claim even though they are not always prepared to enforce it.

Bang Wic v. *Lia Ran* (*Dok Nuer Case*)

Lia Ran committed adultery with the wife of Bang's deceased brother. The case was brought before the Dok court, which judged that no compensation was necessary, 'as the woman is a widow'. This judgement was, however, revised by the appeal court, and Lia ordered to pay to Bang one cow as *yang kule*.

Adultery and 'Ghost-Marriage'

The same theoretical law applies to 'ghost-marriages', but the attitude is different. A 'ghost-wife' is actually married by a man's heir *after* his death, and the vicarious husband in this case performs all the ceremonial of marriage as well as operating the transfer of bride-wealth. Except that legal paternity is vested in the person of the deceased, which fact is of greater significance when the children of the union come of age, the union does not differ from a straightforward simple legal marriage. Moreover the vicarious husband, in his capacity of legal heir to the deceased, stands in the same relationship to the woman and the children as her 'ghost-husband'. The only real difference is that the children will link their names in the lineage structure to the latter, and this is a matter of greater importance in posterity than the present. For this reason, the emotional attitude of the vicarious husband to the wife, their relationship, and their life together are indistinguishable from those found in simple legal marriage, and considering the high proportion of 'ghost-marriages' this is not surprising. The woman is usually his own choice, he has courted her, won her, married her, and his relationship is therefore much more intense and personal than his relationship with his brother's widow. Hence, though a man may overlook an act of adultery with his brother's widow, or the widow of any man to whom he is legal heir, he will certainly not do so in the case of his brother's 'ghost-wife'. The reaction to adultery in 'ghost-marriages' is identical with that found in simple legal marriages, and it is doubtful if a Nuer court would regard the theoretical distinction as relevant to the issue.

Adultery with the Wives of Kinsmen

The full rate of compensation is usually demanded unless the husband and the adulterer are on exceptionally good terms in other

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

684
835

respects, or their relationship in the kinship structure is sufficiently close to modify feelings of moral indignation on the part of the husband. Although the wives of kinsmen are brought within the sphere of kinship by the process of marriage, and to have relations with the wife of a kinsman is in a sense tantamount to a breach of the rules of exogamy, this is modified by the feeling that a wife, acquired by the transfer of cattle in which other kinsmen have limited rights, is theoretically the wife of all of them. Yet it is not considered correct that two kinsmen should have sexual relations with the same woman at the same period. There is no real conflict in these two concepts, but the attitude behind the payment of *yang kule* includes an idea that sexual relations with the legal wife of another man create an impurity, and that there is greater impurity if two men of the same kinship group have sexual relations with the same woman. It is felt that the wife of a kinsman is in some degree also a kinswoman, especially as a potential mother of kinsmen in the next generation. The act is therefore tantamount to incest (*rual*).

These ideas appear in the arguments put forward in the course of litigation in the courts today. The court will attempt to persuade the wronged husband to accept less than five head of cattle, though they will normally enforce payment of the sixth, the *yang kule*. Talking to the husband they will say of the adulterer: 'Is not this man your kinsman? Is it not a man's duty to assist his kinsman?' The implications are that adultery is an offence which brings greater spiritual dangers when the husband and the adulterer are kinsmen, but just because they are kinsmen it is an offence which must be wiped out by expiation in the form of sacrifice and prayer. One does not pay compensation to kinsmen because they are the persons who assist in the collection of compensation for offences against others. The intensity with which these ideas operate is relative and depends on the relationship of the principals.

Kin Nyah v. *Pagwir Wicdier* (*Bul: Western Nuer Appeal*)

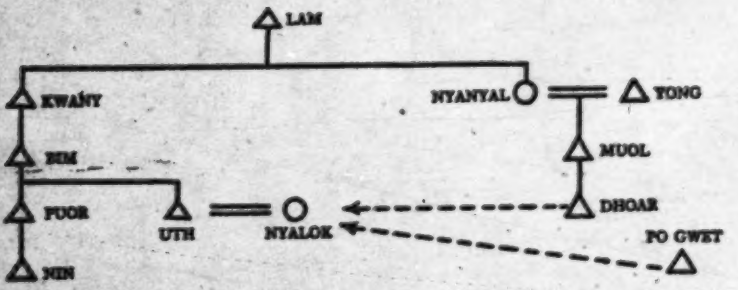
Pagwir committed adultery with Kin's wife. Court awarded reduced compensation of 3 cattle to Kin on the grounds that Kin and Pagwir are kinsmen (common great-grandfather). Pagwir refused to pay, and was then ordered by the court to pay full compensation of 6 cattle as punishment. The court was exasperated by Pagwir's defiance of its orders. The use of the word punishment is perhaps incorrect here because the additional cattle went to the plaintiff, but the motive was punishment for flagrant disobedience.

Nin Puor v. *Dhoar Muol and Po Gwet* (*Lou: Central Nuer Appeal*)

Dhoar committed adultery with Nyalok, wife of Nin's paternal uncle Uth. Uth was living at the time, but died before the case was brought to court. Subsequently Po Gwet also committed adultery with Nyalok. The chronological sequence is here important, though it was not realized by the court in the initial stages of the dispute.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Dhoar and Po were absent when these allegations were made against them by Nin, but since there seemed to be no doubt about Po's guilt his father Gwet Thic (himself a chief) was prevailed upon to pay compensation as *ruok ciek*, and had already handed over 3 head of cattle when Po and Dhoar returned. In the meantime Nyalok had confessed that she had also committed adultery with Dhoar, an act which was held to be incest (*rual*), and also that Uth had



died as a result—he 'had died of incest', *ce lieu he rual*. This complicated case was naturally the subject of prolonged discussion in the court which finally ruled that:

(i) Po had sexual relations with the woman *after* Uth's death, and even had some encouragement from Uth's family. Court held that he must be treated as the woman's *lum* (i.e. recognized lover in 'widow-concubinage'). Po was therefore in no way liable to pay compensation, and those cattle already handed over to Nin by Po's father Gwet were returned.

(ii) Dhoar committed incest (*rual*) by having sexual relations with Nyalok while her husband Uth was still living, and his act must be accepted as the cause of Uth's death. Dhoar to pay two cattle to Nin as Uth's heir; one cow as *yang kule*, one bull as *yang ne bak he rual*, 'the cow of dividing for incest', to be sacrificed and divided in the manner prescribed by custom in order to avoid further evil effects of the act of incest.

Further Qualifying Circumstances

Nuer sometimes make a distinction between what they call *dhu ciek dhor*, 'adultery with a woman outside (the home)' and *dhu ciek cieng*, 'adultery with a woman in the home'. The distinction is not really a valid one from the legal point of view, and the meaning is sometimes contradictory. *Dhu ciek dhor* sometimes implies an act of adultery committed with a woman who is not living with her husband—a less serious offence than *dhu ciek cieng*—but it can also mean adultery with enticement to desert the husband, i.e. that the adulterer has run away with the woman, or attempted to do so. This distinction is not reflected in the scale of compensation; the maximum is always six head of cattle whatever the circumstances, but in the case of *dhu ciek dhor* in the latter sense, the indignation of the wronged husband and his kin will be more intense and they will not be so ready to accept less than six head as a compromise. For this reason the distinction is now

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

a sin. No action against the offender is taken, but the spiritual dangers involved are correspondingly greater and more difficult to avoid. Fratricide and patricide and, to a lesser degree the killing of a close agnatic kinsman, is an offence against the objectives of kinship association and therefore a sin against the religious standards which express those objectives. Expiation in the form of prayer and sacrifice is essential; vengeance or restitution is not possible.

These observations apply specifically to homicide. There is no apparent belief that spiritual pollution will result from the infliction of bodily injuries less than death, nor from private delicts such as theft or the destruction of the property of persons who have no kinship or marital relationship with the offender. On the other hand, offences against accepted rules of marriage relationships and behaviour towards women within the lineage have a supernatural sanction, but again it will be seen that this is only a reflection of the idea of kinship. In such cases, however, there is no need for indemnification paid in cattle,[1] which is limited to the relations of opposed groups and the maintenance of the balance between them. In the first place a breach of the rules of exogamy is an offence against the structure of the kinship group, and one which involves the couple and their kinsmen in the gravest danger. Here there is no question of the maintenance of social equilibrium between two groups, only the spiritual safety of the single kinship group within itself and of the individuals of which it is composed, and there is consequently no question of material indemnification. The incestuous couple are themselves liable to the supernatural consequences which may be physically manifested in some form of disease (*nuer*), and their kinsmen may suffer subsequently, particularly from sterility, infant mortality, or a series of disasters which may also apply to their cattle. It is an act which requires expiation in the form of ritual and sacrifice, and the seriousness of the breach is gauged according to the nearness of the relationship of the couple. This dictates the value of the sacrifice and the complexity of the ritual of expiation. In some African tribes incest is treated as a crime, particularly if the offence is repeated, and penal action is taken against the culprits; but among the Nuer the ritual processes required are presumably considered sufficiently efficacious, and no repressive action is taken against the offenders. Theoretically those who consciously repeated the offence would earn the reprobation of their kinsmen, resulting in a loss of privilege which might reach the stage of expulsion, but I can quote no instance of this and have never found a Nuer who could.

There are other breaches of observance which result in similar forms of pollution. It is, for example, an offence to have sexual intercourse

[1] For minor infractions gifts—tobacco, food, &c.—may be offered to an offended kinsman.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

of the lad belonging to their family. Age-mates are those who naturally associate together in any society in the world. Father Crazzolara writes "A kind of relationship springs up between the *Ric*-comrades, akin to close comradeship. According to the views of the people they belong to one another. When they live together or meet by chance, the meals prepared for the one or the other are eaten in common. In travelling *Ric*-comrades are natural hosts."[1] A man may address a fellow member of his *ric*, his age-set, as *ricda*, *da* being a suffix meaning " my."

Apart from this general pattern of egalitarian behaviour between members of the same age-set, their like mode of behaviour towards members of other age-sets, their common title, and their exogamous relations, there are a number of customs that ritually express their equality. The chief of these is the strict prohibition on any member of a dead man's age-set of partaking of the flesh of a beast killed at his mortuary ceremony. Anyone who broke this rule would inevitably die of *nuer*, the punishment which falls on those who break serious taboos.

Another custom allows a man of your age-set to ask you if anyone has claimed your daughter's eldest cow, and if you reply that no one has claimed it he will take a bracelet from off his arm and place it on the little girl's leg. When she is married he will then be entitled to claim the *yang rica*, " the beast of the age-set." It is important to note this custom in its relation to the rule that a man must not marry the daughter of an age-mate since the acceptance of any part of bride-wealth is recognition of an exogamous relationship between the people concerned. Further customs that express the social equivalence of age-mates are the rule which says that when two members of the same age-set have adjoining gardens they shall not erect the usual boundary-line of raised earth between them, and the custom which says that if a youth gets a thorn under his finger nail and has to cut it out all members of his age-set who are present ought also to cut off the tip of a toe nail as well. As we have seen at initiation feasts a man is permitted to joke and take liberties with the wife of a man of his own age-set. She is not a possible future mother-in-law, since a man cannot marry a daughter of an age-mate, whereas the

[1] *Op. cit.* p. 38. " Zwischen den *Ric*genossen entsteht eine Art Verwandtschaft, zunächst eine enge Kameradschaft. Beim Herumziehen, auf Reisen, gehen Leute desselben *ric* womöglich zusammen. Wo sie zusammen wohnen oder zufällig zusammen treffen, wird das vorgelegte Essen des einen oder anderen immer gemeinsam genommen. Auf Reisen sind *Ric*genossen die natürlichen Gastgeber."

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

wives of men of other age-sets may one day become his mother-in-law. I have never heard it suggested that men have any sexual rights over wives of their age-mates and Nuer were always shocked at my enquiries about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement ; but I have no certain evidence about this.

But it is chiefly at feasts that the age-sets are divided up ceremonially as I have explained above. The *kau* of an animal goes to the *ric matot*, the junior age-set who may eat themselves or may share the meat with the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kau* would go to the *Lithgac* in Lou country, the *bum* to the *Makeri* and the *juak* to the *Boiloc*. If a *Dangunga* killed the animal we would therefore expect the *Luac* to eat with the *Lithgac*, the *Dangunga* with the *Makeri* and the *Boiloc* by themselves or with any remaining members of the *Thut* set ; while if the animal belonged to a *Makeri* we would expect the *Dangunga* to eat with the *Makeri* and the *Luac* with the *Lithgac*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me that sometimes at a marriage feast the father of the bride will kill a "*yang rica*," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father.

One of the actions of the age-set system is the regulation of marriage. In my previous essay I pointed out that the clan is an exogamous group and that any near genealogical relationship through the female line is also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

561 582 who counts by fiction, or analogy, as his daughter. I think we are justified also in regarding the actual ceremony of initiation as creating something in the nature of blood-brotherhood between the members of an age-set, since the Nuer seem to regard them as having a kind of community through the blood they have shed together. The Nuer also regard the lineage and clan as a group of people physiologically related as well as sociologically connected, since they have a notion of the common blood of kin.

[835] Not only is a man prohibited from marriage with the daughter of his age-mates, but he will refrain from having love affairs with them or flirting with them. When I asked what would happen if a man were to marry the daughter of an age-mate, I was told that his comrades would appeal to the *kwoth ricdien*, the spirit of their age-set, stating in an invocation that this man has no respect for their set and asking that he might be removed. He would then die. It is difficult to know how we are to interpret *kwoth ricdien*, but it seems that each *ric* is thought to be associated with its special guardian spirit though I do not think that these have special names.

This prohibition on the marriage of daughters with age-mates on the grounds of brotherhood between them is quite conventional and does not mean that age-mates are regarded as equivalent to brothers in either physiological or sociological sense. Perhaps the function of the prohibition is to be sought in the pattern of egalitarian behaviour existing between age-mates and their wives, a pattern of behaviour quite incompatible with that existing between a man and his father- and mother-in-law. If a man were to marry a daughter of an age-mate his age-mate would become his father-in-law and his wife would become his mother-in-law and he would have to act towards them with such respect as to make it impossible for him to eat or drink in their homestead. But the Nuer system decrees also that a man may act with the greatest freedom, as we have seen earlier, towards his age-mates and their wives. There would hence be a clash between two completely opposed patterns of behaviour, and this is avoided by the fiction of brotherhood considered as the relationship equal to real brotherhood in respect to marriage with daughters though different in most other respects. Doubtless the prohibition is re-enforced by the fact that there would always be a very great difference in age between a man and the daughter of an age-mate, for

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat dɔman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatdɛ*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cɛk ma rol*) " for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle " for his sister has become his brother ", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage " your wife is like your sister " i.e. she stands in the place of your sister. I have recorded only one such marriage : the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied : " No, certainly not. Is she not your mother's sister ? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a " cow of the paternal aunt " or a " cow of the maternal aunt ". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get " the cow of the mother's sister " but " the cow of the father's sister "

588 768

These vicarious marriages by women or on behalf of women are very

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ 22

684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 834 To describe sexual relations outside the union of marriage Nuer use the verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 582 The rules of exogamy which obtain for simple legal marriage apply also to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 431 428 588 587 The test of the nature of a procreative union is in the division of the bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead they belong to his sons (the bride's half and full brothers). The genitor in ghost-marriage and leviritic marriage has no legal claim to the "cattle of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwandong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. 682

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII. when I asked why the brothers do not live together I was told *Juan mun me ce bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her death.) 592 684 835

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

588 593 cubine is dissatisfied with his lot in his father's home, or if his father dies, he may go to live with his mother's people, by whom he is often brought up before he is initiated into manhood. Thus Riek (Rwac) (Homestead No. XX) was brought up at his maternal grandfather's home and has only recently come to live in his father's homestead in order to be initiated there. I was told that he will continue to pay visits to his maternal grandfather's village, but that if he is satisfied with his pater's home he will make it his permanent village. As a matter of fact I received the impression from several small incidents that this particular boy was lonely and not at his ease with the other boys of his pater's kraal.

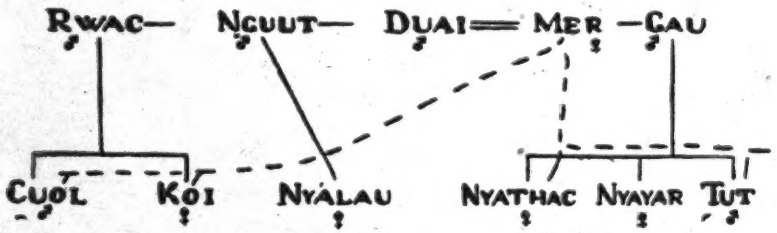


Diagram XI

On my first vist to Yakwac in Lou country a youth called Cuol was a member of the household of Cam, in whose byre he slept. Cuol was the son of an unmarried concubine called Mer ♀, the sister of Dar, the pater of Wia whose circumstances have just been related. Cuol was therefore living with his mother's people while his mother was living with her latest lover in Jikany country. Mer's history is so typical of the adventures of unmarried concubines that I show it in Diagram No. XI. She was first married by a man called Duai who divorced her before she conceived. She thus reverted to the status of an unmarried girl but instead of being married again she went to live with a lover, Nguut ♂, to whom she bore a daughter, Nyalau ♀, who has died. Mer ♀ then left Nguut ♂ and went to live with another lover, Rwac ♂, to whom she bore Cuol ♂ and Koi ♀. She then went to live with Gau ♂ at whose home she still resides. To Gau she has borne Nyathac ♀, Nyayar ♀, and Tut ♂. In 1931 Cuol was living at Yakwac where we always spoke of him after his mother's name: Cuol ♂—Mer ♀. Nevertheless, he often visited his mother and the people of Yakwac did not regard him as a full member of the hamlet since he possessed no cattle there and might at any moment go away to live with his mother and never return. This is precisely what happened. In 1935 I missed him at Yakwac and was told that since he had had relations with a girl betrothed to Wia, and with whom Wia himself was having relations, he had not returned to the hamlet. Cuol's action was not only a breach of kinship standards but was also incestuous, since Wia was legally, though not biologically, his mother's brother's son.

[835]

always or entirely so. *Gwac* means a mistake, an unintentional error and generally one of no great consequence, one in which a serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Likewise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals eats them not knowing the nature of the meat he eats, 'this is an accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wal nueera*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

776* 577 [682] [864] [835] [262]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

which do not form part of respect relationships and are, therefore, not called *thek*, but *thek* is the most important Nuer category of interdiction. An infringement of the other prohibitions is not usually spoken of as *nueer*, though Nuer nevertheless say that all such infringements are like *nueer*, which is a standard by which they judge, and to which they tend to assimilate any serious breach of an interdiction with religious sanctions. Before discussing these we may, therefore, note that the most prominent feature of the worst forms of sin is that it kills; and it is significant that the word *nueer* means in Dinka 'to destroy' and 'to kill',[1] a sense it also often has in Nuer when the consequences of sin are being referred to.

Except in the case of a breach of the weaning interdiction, which is discussed further later, and in that of a rare breach of the milking interdiction, the transgressions so far mentioned are unwitting offences. It must be rare indeed that anyone transgresses in these ways knowingly and deliberately. The transgressions we shall now consider are generally deliberate actions.

If *nueer* is the most important of Nuer sin concepts the one most frequently spoken of is *rual*, incest, which Nuer say is '*cere ke nueer*', 'like *nueer*', and they may use the verbal form *nuer* when speaking of its consequences, for example, '*ce nyiman nuer*', 'he brought death to his sister' (by having congress with her). It should be noted that Nuer say this, and also that they sometimes liken both *nueer* and *rual* to *biit*,[2] a curse and a prohibition of which a conditional curse is sanction, because their doing so shows that though there are different words for different sorts of fault they are also thought to have something in common. They all destroy and they are all also, in one way of thinking of them, conceived of as pursuing, or tracking, the transgressor to disaster.

I have given elsewhere[3] a fairly lengthy account of Nuer prohibitions on intermarriage and on extra-marital congress, so the subject may be treated briefly here and with reference only to such features of it as are relevant to a discussion of religion. Nuer

[1] P. A. Nebel, *Dinka Dictionary*, 1936, p. 119.

[2] Indeed in some cases it is not easy to say whether an act should be described as *nueer* or as a sort of *biit*, e.g. a girl drinking the milk of her bridewealth cattle or an eldest son using his parents' spoon.

[3] 'Nuer Rules of Exogamy and Incest', *Social Structure*, edited by Meyer Fortes, 1949; E. E. Evans-Pritchard, *Kinship and Marriage among the Nuer*, 1951, chap. ii.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

835 use the word *rual* for incestuous relations, and it can also be used
783 for the consequences of them. These, generally certain forms of yaws or syphilis, though they may be any kind of misfortune, are more or less grave according to the closeness of the relationship between the persons concerned. Nuer think that if they are very closely related death may follow, possibly within a few days, while if they are very distantly related nothing untoward may happen. In cases of serious incest the penalty may fall not only on the partners to the offence but also on their nearest relatives, particularly on their children. The greater the danger of punishment the more likely and the more expeditiously will the act be followed by sacrifice and the more valuable will be the thing sacrificed. When the incest is considered to be very slight, what Nuer call a *rual ma*
[789] *tot*, small incest, *wal ruali*, incest medicine, an antidote which some people are said to possess, may be thought adequate protection, and if it is deemed wise to make sacrifice, a cucumber or a pendulous fruit of the sausage tree is considered a sufficient offering. When the offering is a cucumber it is cut in two and then the left half is thrown away and the contents of the right half are squeezed into water and drunk by the partners to the act. If the fruit of the sausage tree is the offering it also is cut in two. I have several times seen youths in western Nuerland, where this tree is commoner than to the east of the Nile, cutting down its fruits for the purpose, and it is interesting to note that the Dinka call the tree *rual*, the Nuer word for incest. If there is incest with the wife of a close kinsman her sleeping-hide may be cut in two. In cases of major incest the antidote is not thought to be sufficient protection, nor a vegetable offering a sufficient sacrifice, and a goat or sheep, and in the most serious cases an ox, must be sacrificed without delay, and a leopard-skin priest should conduct the ceremony. The beast is slaughtered by being cut vertically in twain from head to tail, and afterwards the guilty persons drink incest medicine infused in the gall of the victim. All these cuttings are spoken about as *bakene rual*, the cutting, or splitting, in two of the incest.

835 One hears much about incest among the Nuer, and sacrifices to cleanse parties to it are frequent. One reason for this is that the prohibition on sexual congress covers a very wide area of social relationships. The more important categories covered by it are clanship, close cognation, close natural kinship, close kinship

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

through adoption, and close affinity. It is also incestuous for a man to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to the husband by infringement of his rights, is a further wrong to him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that they learnt about *kor*, as they learnt about so many of the ideas discussed in this book, from the Dinka and that it was also from that people that they took over a preventive and curative treatment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

793 the victim, a sheep: 'now, sheep, thy blood is shed to death on
695 account of the man who is at fault'. He then calls on God: 'O God of heaven, God of our fathers, God who created all things, God of the universe, God of the flesh (*ring*), I call on thee to look upon these persons, that the man who is at fault may die. Now, I know that thou, O God, listenest to my speech (*rietda*).' If a guilty man who has taken an oath that he is innocent falls sick he gets the priest to sacrifice for him and give him medicines, promising reparation for the wrong he has done.

793 A leopard-skin priest is also, at any rate usually, called in to
782 sacrifice an ox if close relations commit incest. In cases of slighter
835 incest, between, that is, persons more distantly related, some lesser specialist, a diviner, or just the head of the family, performs the sacrifice, or the man who has committed incest himself sacrifices a cucumber or cuts in two the fruit of a sausage-tree. The priest consecrates the ox, makes an invocation over it to God that he may spare the partners to the sin and that the offence may depart with the blood of the victim. The beast is then held down on the ground and the priest inserts the point of his spear in its throat and cuts towards the breast. He severs the beast in twain, hacking its head in two with an axe. As he makes the final cuts the parties to the offence tug at the carcass on either side and pull it apart. One half is eaten by the priest and his friends and the other by the relatives of the principals, the principals themselves abstaining. The priest squeezes out the gall from the victim's gall-bladder into water in a gourd, adds *wal ruali*, incest-medicine, and the principals and their relatives drink this mixture.

793 Sacrifices in connexion with homicide, ordeals, and, at least
782 usually, serious incest are the exclusive domain of the leopard-skin priest. If he is called on to make sacrifice on other occasions it is because it is felt that his doing so adds weight to the intention; but it is not necessary that he should act and unless he happens to be a neighbour it is unlikely that he would be summoned.

[793] Since a good deal has been written about the importance of
789 'rain-makers' in this part of Africa it is perhaps wise to note also that the leopard-skin priest is never spoken about in relation to rain. When questioned, Nuer say that he might be asked to sacrifice for rain and to perform some other and minor ritual acts, such as putting a hyena's skull in water, to the same purpose; but they make it clear that they attach no great importance to these pro-